

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

---

DONALD J. TRUMP, Candidate for President of the  
United States of America,

Plaintiff,

v.

THE WISCONSIN ELECTIONS COMMISSION, and its  
members, ANN S. JACOBS, MARK L. THOMSEN,  
MARGE BOSTELMANN, DEAN KNUDSON,  
ROBERT F. SPINDELL, JR., in their official capacities,  
SCOTT MCDONELL in his official capacity as the Dane  
County Clerk, GEORGE L. CHRISTENSON in his  
official capacity as the Milwaukee County Clerk,  
JULIETTA HENRY in her official capacity as the  
Milwaukee Election Director, CLAIRE WOODALL-  
VOGG in her official capacity as the Executive Director  
of the Milwaukee Election Commission, MAYOR TOM  
BARRETT, JIM OWCZARSKI, MAYOR SATYA  
RHODES-CONWAY, MARIBETH WITZEL-BEHL,  
MAYOR CORY MASON, TARA COOLIDGE, MAYOR  
JOHN ANTARAMIAN, MATT KRAUTER, MAYOR  
ERIC GENRICH, KRIS TESKE, in their official  
capacities; DOUGLAS J. LA FOLLETTE, Wisconsin  
Secretary of State, in his official capacity, and TONY  
EVERS, Governor of Wisconsin, in his official capacity.

Case No.: 20CV1785

Defendants.

---

**MOTION IN LIMINE**

---

Defendant Governor Tony Evers (“Evers”), who is joined by all the named Defendants in  
this matter, moves to exclude any testimony – be it written or oral – from the following witnesses  
listed on Plaintiffs Witness List: (1) Bartholomew (“Bart”) Williams; (2) Daniel Miller; and (3)

David Bolter. These three witnesses do not have any relevant information that bears on the outcome of this case, and their testimony should therefore be excluded under Federal Rules of Evidence 401 and 403.

As indicated in Plaintiff's Witness List—and confirmed on a meet and confer with counsel for Plaintiff today—all three witnesses were either observers or ballot counters at the City of Milwaukee Central Count on November 3, 2020 and are expected to testify about their experience at the City of Milwaukee Central Count on Election Day. See Doc. 51 (Plaintiff's Witness List) at pgs. 5-7. Even if these witnesses' observations could at some point in time have had any relevance to this case, that relevance flies out the window now that there has been a complete recount of the election in Milwaukee. Put differently, any issues these witnesses plan to testify about have already been supplanted by the recount, which was of course requested by the Plaintiff in this case.

When asked about the relevance of these witnesses' testimony during the parties' conference today, counsel for Plaintiff explained the following: (1) He was not prepared to discuss the substance of their testimony in any detail; (2) But he understood them to be testifying about their experience at Central Count in the City of Milwaukee on Election Day; and (3) They may also testify about how—in their opinion—the outcome of the presidential election would “likely” have been different absent the issues being complained about. (1) is of course a failure of Plaintiff's counsel to be prepared to properly meet and confer; which is particularly egregious where it is Plaintiff who has requested a rushed schedule to overturn the will of nearly 3.3 million Wisconsinites. (2) Runs directly into the recount issue addressed above. And (3) is obviously pure speculation. None of these persons purport to have first-hand knowledge, let alone any expertise, of how any Wisconsin voter would have voted under a different set of rules that would qualify

them to testify under oath to these statements in open court. And any attempt to bring such testimony should be precluded under Federal Rules of Evidence 401, 403, and 701.

Accordingly, Defendant Evers, who is joined by all the named Defendants in this matter, requests that this testimony be excluded from the upcoming trial.

All Defendants have authorized us to represent that they join our motion.

Respectfully submitted this 9th day of December 2020.

Dated: December 8, 2020

Respectfully submitted,

/s/ Davida Brook  
Justin A. Nelson  
Stephen E. Morrissey  
Stephen Shackelford Jr.  
Davida Brook  
SUSMAN GODFREY L.L.P.  
1000 Louisiana St., Suite 5100  
Houston, TX 77002  
(713) 651-9366  
[jnelson@susmangodfrey.com](mailto:jnelson@susmangodfrey.com)  
[smorrissey@susmangodfrey.com](mailto:smorrissey@susmangodfrey.com)  
[sshackelford@susmangodfrey.com](mailto:sshackelford@susmangodfrey.com)  
[dbrook@susmangodfrey.com](mailto:dbrook@susmangodfrey.com)

Jeffrey A. Mandell  
Rachel E. Snyder  
Richard A. Manthe  
STAFFORD ROSENBAUM LLP  
222 W. Washington Ave., Suite 900  
Madison, WI 53701-1784  
Telephone: 608-256-0226  
Email: [jmandell@staffordlaw.com](mailto:jmandell@staffordlaw.com)  
Email: [rsnyder@staffordlaw.com](mailto:rsnyder@staffordlaw.com)  
Email: [rmanthe@staffordlaw.com](mailto:rmanthe@staffordlaw.com)

Paul Smith  
CAMPAIGN LEGAL CENTER  
1101 14th St. NW, Suite 400  
Washington, DC 20005  
(202) 736-2200  
[psmith@campaignlegalcenter.org](mailto:psmith@campaignlegalcenter.org)  
*Attorneys for Defendant, Governor Tony Evers*